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17. JAN 2003

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Application No. 01 114 987.9-2311	Ref. 00758-01 G/mt	Date 16.01.2003
Applicant Mazda Motor Corporation		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



CALABRESE N
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)

Registered Letter

EPO Form 2001 07.02CBX



Beschuld/Protokoll (Page)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date
Date

16.01.2003

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1

Anmade-Nr.:
Application No.:
Demande n°:

01 114 987.9

The examination is being carried out on the following application documents:

Text for the Contracting States:

DE ES FR GB IT

Description, pages:

1-55 as originally filed

Claims, No.:

1-10 as originally filed

Drawings, sheets:

1/16-16/16 as originally filed

The following document is referred to in this communication;

D1: EP-A-0997626

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claim 1 is not new in the sense of Article 54(1) and (2) EPC.

The following features of the independent claim 1 are disclosed in D1:

An apparatus for purifying an exhaust gas of an engine, said apparatus comprising:
a catalyst of a NOx absorbing-and-reducing type disposed in an exhaust passage, for absorbing a NOx component in the exhaust gas under an over-oxygen atmosphere and for reductively emitting the absorbed NOx component according to a reduction of an oxygen concentration (see p.2, line 3-7) ;
a momentary NOx absorption amount estimation section for estimating a momentary amount of the NOx component absorbed in said catalyst on the basis of a unit time (p.3 line 3-16);
an integrated NOx absorption amount estimation section for estimating an integrated amount of the NOx component absorbed in said catalyst according to the integration of momentary amounts estimated by the estimation section (p.4, line 37-40);
a NOx emitting section for letting said catalyst to emit the NOx component when the integrated amount estimated by the estimation section is equal to or greater than a predetermined absorption amount (p.4, line 43-45 and p.5, line 48) ;



and a momentary NOX absorption amount correcting section for correcting the momentary NOX absorption amount estimated by said momentary NOX absorption amount estimation section to a value smaller in adverse proportion to the increase in the integrated amount estimated by said integrated NOX absorption amount estimation section (p.4 line 15, and p.5 line 48 "effstoc fonction décroissant de NSi").

Dependent claims 2 -10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and inventive step, because in those claims there are only slight modifications that come within the scope of the customary practice followed by persons skilled in the art.

It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

Furthermore, it is suggested to use a two part form.